



State of Connecticut
Department of Developmental Services

DDS

Ned Lamont
Governor

Jordan A. Scheff
Commissioner

Peter Mason
Deputy Commissioner

**DEPARTMENT OF DEVELOPMENTAL SERVICES TESTIMONY
BEFORE THE LABOR AND PUBLIC EMPLOYEES COMMITTEE
March 8, 2022**

Senators Kushner and Sampson, Representatives Porter and Arora and members of the Labor and Public Employees Committee, I am Jordan A. Scheff, Commissioner of the Department of Developmental Services (DDS). Thank you for the opportunity to testify on **S.B. No. 312 AN ACT CONCERNING EXPANSION OF CONNECTICUT PAID SICK DAYS.**

In sections 1 and 7 of the bill the definition of “employer” deems the Personal Care Attendant (PCA) Workforce Council as the employer for the purposes of any personal care attendants defined in section 17b-706. DDS’s Home and Community Based Services (HCBS) Individual and Family Support (IFS) Medicaid waiver allows individuals and their families to self-direct their services. Self-direction empowers an individual to live the life they desire by providing the opportunity to design and control their own DDS budget and choose the assistance they need. This includes the process of hiring and managing their own personal care attendants, or as DDS calls them, direct support professionals (DSPs). In self-direction, the person who assumes the responsibility for hiring and managing DSPs, is known as the employer of record. The employer of record can be the individual, their legal guardian or another appointed person.

Currently, DDS has over 2,400 individuals that self-direct their supports with current authorizations totaling over \$94 million. Because the majority of supports are offered through DDS HCBS waivers, DDS receives a 50 percent reimbursement on such services. This means on current authorizations the state will receive over \$47 million in reimbursement from such services. Having the PCA Workforce Council recognized as the employer of PCAs or DSPs not only conflicts with the self-directed model but could jeopardize federal Medicaid funds that provide reimbursement to the state for self-directed services, as outlined in the DDS Medicaid waivers. Specifically, the waiver details that the individual or their legal representative serves as the employer of record and assumes all employer-related responsibilities.

It is also important to articulate that the bill as written, would require significant additional resources to fund back-up or substitute staff while also paying current staff for sick days. Currently, the DDS annualized budgets for individuals that self-direct their supports are not funded to absorb sick days for current staff, or to pay for the wages of substitute staff to provide necessary supports. Without additional funding, an individual would have to reduce or eliminate supports in order to compensate for the additional wages. Therefore, if this bill were to move forward, additional resources would be necessary to fund the additional temporary staff that would be necessary while the regular staff are out sick.

Thank you again for the opportunity to offer testimony regarding **S.B. No. 312 AN ACT CONCERNING EXPANSION OF CONNECTICUT PAID SICK DAYS.** Please contact Kevin Bronson, DDS Director of Communications, Legislation and Regulations at 860-550-3497 with any questions.

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